

MESSAGE NO: 1307303 MESSAGE DATE: 11/03/2011

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: AFF-Affirmative

FR CITE: 76 FR 67675 FR CITE DATE: 11/02/2011

REFERENCE
MESSAGE #
(s):

CASE #(s): A-580-865

EFFECTIVE DATE: 11/02/2011 COURT CASE #:

PERIOD OF REVIEW: 01/01/2010 TO 12/31/2010

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM THE REPUBLIC OF KOREA (A-580-865)

1. ON 11/02/2011, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE AND POSTPONEMENT OF THE FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM THE REPUBLIC OF KOREA (76 FR 67675).

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION IS ALL BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS AND CERTAIN ASSEMBLIES THEREOF FROM KOREA. FOR PURPOSES OF THE INVESTIGATION, THE TERM "BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS" DENOTES FREESTANDING OR BUILT-IN CABINETS THAT HAVE AN INTEGRAL SOURCE OF REFRIGERATION USING COMPRESSION TECHNOLOGY, WITH ALL OF THE FOLLOWING CHARACTERISTICS:

- THE CABINET CONTAINS AT LEAST TWO INTERIOR STORAGE COMPARTMENTS ACCESSIBLE THROUGH ONE OR MORE SEPARATE EXTERNAL DOORS OR DRAWERS OR A COMBINATION THEREOF;
- AN UPPER-MOST INTERIOR STORAGE COMPARTMENT(S) THAT IS ACCESSIBLE THROUGH AN EXTERNAL DOOR OR DRAWER IS EITHER A REFRIGERATOR COMPARTMENT OR CONVERTIBLE COMPARTMENT, BUT IS NOT A FREEZER COMPARTMENT (THE EXISTENCE OF AN INTERIOR SUB-COMPARTMENT FOR ICE-MAKING IN AN UPPER-MOST STORAGE COMPARTMENT DOES NOT RENDER AN UPPER-MOST STORAGE COMPARTMENT A FREEZER COMPARTMENT); AND
- THERE IS AT LEAST ONE FREEZER OR CONVERTIBLE COMPARTMENT THAT IS MOUNTED BELOW AN UPPER-MOST INTERIOR STORAGE COMPARTMENT(S).

FOR PURPOSES OF THE INVESTIGATION, A REFRIGERATOR COMPARTMENT IS CAPABLE

OF STORING FOOD AT TEMPERATURES ABOVE 32 DEGREES F (0 DEGREES C), A FREEZER COMPARTMENT IS CAPABLE OF STORING FOOD AT TEMPERATURES AT OR BELOW 32 DEGREES F (0 DEGREES C), AND A CONVERTIBLE COMPARTMENT IS CAPABLE OF OPERATING AS EITHER A REFRIGERATOR COMPARTMENT OR A FREEZER COMPARTMENT, AS DEFINED ABOVE.

ALSO COVERED ARE CERTAIN ASSEMBLIES USED IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS, NAMELY: (1) ANY ASSEMBLED CABINETS DESIGNED FOR USE IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS THAT INCORPORATE, AT A MINIMUM: (A) AN EXTERNAL METAL SHELL, (B) A BACK PANEL, (C) A DECK, (D) AN INTERIOR PLASTIC LINER, (E) WIRING, AND (F) INSULATION; (2) ANY ASSEMBLED EXTERNAL DOORS DESIGNED FOR USE IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS THAT INCORPORATE, AT A MINIMUM: (A) AN EXTERNAL METAL SHELL, (B) AN INTERIOR PLASTIC LINER, AND (C) INSULATION; AND (3) ANY ASSEMBLED EXTERNAL DRAWERS DESIGNED FOR USE IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS THAT INCORPORATE, AT A MINIMUM: (A) AN EXTERNAL METAL SHELL, (B) AN INTERIOR PLASTIC LINER, AND (C) INSULATION.

THE PRODUCTS SUBJECT TO THE INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8418.10.0010, 8418.10.0020, 8418.10.0030, AND 8418.10.0040 OF THE HARMONIZED TARIFF SYSTEM OF THE UNITED STATES (HTSUS). PRODUCTS SUBJECT TO THIS INVESTIGATION MAY ALSO ENTER UNDER HTSUS SUBHEADINGS 8418.21.0010, 8418.21.0020, 8418.21.0030, 8418.21.0090, AND 8418.99.4000, 8418.99.8050, AND 8418.99.8060. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE SUBJECT TO THIS SCOPE IS DISPOSITIVE.

3. THIS INVESTIGATION HAS BEEN ASSIGNED INVESTIGATION NUMBER A-580-865.

4. FOR IMPORTS OF BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM THE REPUBLIC OF KOREA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 11/02/2011. EFFECTIVE 11/02/2011, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS FOR THE PRODUCER AND/OR EXPORTER LISTED IN THE COMPANY-DETAILS TABLE APPENDED TO THE BOTTOM OF THIS MESSAGE.

PRODUCER AND/OR EXPORTER: LG ELECTRONICS, INC.

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CASE NUMBER: A-580-865-002

CASH DEPOSIT RATE: 4.09%

PRODUCER AND/OR EXPORTER: SAMSUNG ELECTRONICS CO., LTD.

CASE NUMBER: A-580-865-003

CASH DEPOSIT RATE: 32.20%

ALL OTHERS

CASE NUMBER: A-580-865-000

CASH DEPOSIT RATE: 18.15%

THE DESIGNATION OF "M" IN THE APPENDED TABLE APPLIES WHERE THE MERCHANDISE WAS PRODUCED BY, EXPORTED BY, OR PRODUCED AND/OR EXPORTED BY THE NAMED COMPANY.

5. FOR PRODUCER/EXPORTER DAEWOO ELECTRONICS CORPORATION (A-580-865-001), NO SUSPENSION OF LIQUIDATION IS REQUIRED AT THIS TIME.

6. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE ALL-OTHERS RATE OF 18.15 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

7. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING DUTIES, CBP OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O2:DC).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-580-865-000	18.15%	M		ALL OTHER COMPANIES
A-580-865-002	4.09%	M		LG ELECTRONICS, INC.
A-580-865-003	32.20%	M		SAMSUNG ELECTRONICS CO., LTD.